

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 356.36, the Iowa Department of Corrections hereby gives Notice of Intended Action to amend Chapter 50, “Jail Facilities,” and Chapter 51, “Temporary Holding Facilities,” Iowa Administrative Code.

The purposes of the proposed amendments to Chapter 50 are to provide better protection to jail staff and prisoners by permitting the sheriff discretion to determine if electronic control devices can be carried by staff in the jail; to correct a cross reference and to move text to the correct location in the chapter; and to comply with a newly enacted law requiring verification of veteran status of newly admitted prisoners.

The purposes of the proposed amendments to Chapter 51 are to develop consistency between Chapters 50 and 51; to provide better protection to staff and detainees by permitting the facility administrator discretion to determine if electronic control devices can be carried by staff; to address installation of mirrors in facilities; to ensure that adequate meals are served; to comply with a newly enacted law requiring verification of veteran status of newly admitted detainees; and to require annual staff training on suicide prevention.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 26, 2011. Such written material should be sent to the Department of Corrections, Legal and Policy Division, Jessie M. Parker State Office Building, 510 E. 12th Street, Des Moines, Iowa 50319.

There will be a public hearing on April 26, 2011, from 11 a.m. to 1 p.m. in the First Floor Conference Room at the Iowa Department of Corrections, Jessie M. Parker State Office Building, 510 E. 12th Street, Des Moines, Iowa, at which time persons may present their views orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject matter of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility, should contact the Department of Corrections and advise of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 356.36.

The following amendments are proposed.

ITEM 1. Amend rule **201—50.1(356,356A)**, definition of “Weapons,” as follows:

“*Weapons*” means any instrument, excluding restraining devices, ~~and~~ chemical control agents and electronic control devices, with a primary intended use of self-defense, protection of another, or to gain or maintain compliance from an individual.

ITEM 2. Amend paragraph **50.4(8)“b”** as follows:

b. Adequate storage space for prisoners’ personal clothing and property shall be provided. Space provided shall be secure, and the prisoner’s name or identification number shall be affixed to the storage space. Property shall be inventoried and accounted for as provided in Iowa Code section 804.19.

ITEM 3. Adopt the following new paragraph **50.13(1)“h”**:

h. Jail personnel shall ask each prisoner within 24 hours of the prisoner’s incarceration if the prisoner is a military veteran. If so, jail personnel shall advise the prisoner that the prisoner may be entitled to a visit from a veteran service officer to determine if veteran services are required or available and, within 72 hours, shall provide the prisoner with contact information for the county commission of

veteran affairs and provide the prisoner the opportunity to contact the county commission of veteran affairs to schedule a visit from a veteran service officer.

ITEM 4. Amend subparagraph **50.13(2)“c”(1)** as follows:

(1) All prisoners and property entering or leaving the jail shall be thoroughly searched; searches of persons charged with a simple misdemeanor shall follow provisions of Iowa Code section 804.30. ~~Property taken from prisoners shall be inventoried and accounted for pursuant to Iowa Code section 804.19.~~ The prisoner’s name or identification number shall be affixed to the property or storage space. Receipts shall be made for property taken from prisoners at the time of admission and returned to prisoners at the time of release.

ITEM 5. Amend subrule 50.14(2) as follows:

50.14(2) Clothing, bedding, and hygiene items. Prisoners held in excess of 24 hours shall be provided sanitary bedding and linens, sufficient to ensure comfort under existing temperature conditions. These items may be withheld by the jail administrator if deemed necessary pursuant to subrule ~~50.21(6)~~ 50.21(5). A standard issue shall include:

a. to d. No change.

ITEM 6. Amend rule **201—51.1(356,356A)**, definition of “Weapon,” as follows:

“~~Weapon~~ Weapons” means any instrument, excluding restraining devices, chemical control agents and electronic control devices, with a primary intended use of self-defense, or protection of another, or to gain or maintain compliance from an individual. See paragraph 51.11(2)“b.”

ITEM 7. Adopt the following **new** subrule 51.4(11):

51.4(11) Mirrors. Mirrors within detention areas shall be of tamper-resistant construction and securely fixed in place.

ITEM 8. Adopt the following **new** paragraph **51.11(1)“h”**:

h. Temporary holding facility personnel shall ask each detainee within 24 hours of the detainee’s incarceration if the detainee is a military veteran. If so, facility personnel shall advise the detainee that the detainee may be entitled to a visit from a veteran service officer to determine if veteran services are required or available and, within 72 hours, shall provide the detainee with contact information for the county commission of veteran affairs and provide the detainee the opportunity to contact the county commission of veteran affairs to schedule a visit from a veteran service officer.

ITEM 9. Amend paragraph **51.11(2)“a,”** introductory paragraph, as follows:

a. Supervision of detainees. The facility administrator shall develop and implement written policies and procedures for the facility which provide for the control of detainees and for the safety of the public and the facility staff. The policy and procedures shall include:

ITEM 10. Amend paragraph **51.11(2)“b”** as follows:

b. Weapons. Except in an emergency situation, no ~~firearms~~ weapons shall be allowed in an area occupied by detainees.

ITEM 11. Amend subparagraph **51.11(2)“g”(4)** as follows:

(4) The facility administrator shall have written plans for situations that threaten facility security. Such situations include but are not limited to: bomb threats, riots, hunger strikes, disturbances, hostage situations, escape attempts, medical emergencies, natural disasters and staff work stoppage. The plan shall be made ~~available~~ available to all applicable personnel and shall be reviewed by facility staff at least annually and updated as needed.

ITEM 12. Amend paragraph **51.13(6)“c”** as follows:

c. As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the facility. The intake procedure shall include screening for potential self-injury or suicide. Facility staff with actual knowledge that there is a substantial risk that a detainee intends to commit suicide shall take reasonable measures to abate the risk. The facility shall have a written suicide prevention plan. Essential elements of the plan shall include annual staff training to recognize the potential for suicide, communication between staff and appropriate housing and intervention procedures.

ITEM 13. Adopt the following new subrule 51.19(14):
51.19(14) *Menu records*. This record shall include letters of documentation issued by a qualified dietitian.